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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

BANK OF AMERICA, N.A., SUCCESSOR BY  
MERGER TO BAC HOME LOANS  
SERVICING, LP FKA COUNTRYWIDE  
HOME LOANS SERVICING, LP

Plaintiff,

vs.

BRECKENRIDGE AT MOUNTAINS EDGE  
HOMEOWNERS ASSOCIATION; TRP FUND  
IV LLC; and ABSOLUTE COLLECTION  
SERVICES, LLC,

Defendants,

And related counterclaims

Case No.: 2:16-cv-00726-RFB-GWF

~~[PROPOSED]~~ **ORDER GRANTING BANK  
OF AMERICA, N.A., SUCCESSOR BY  
MERGER TO BAC HOME LOANS  
SERVICING, LP FKA COUNTRYWIDE  
HOME LOANS SERVICING, LP'S  
MOTION FOR SUMMARY JUDGMENT  
AND DENYING TRP FUND IV AND  
BRECKENRIDGE AT MOUNTAIN'S  
EDGE HOMEOWNERS ASSOCIATION'S  
MOTIONS FOR SUMMARY JUDGMENT**

Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing, LP (**BANA**), Breckenridge at Mountains Edge Homeowners Association, and TRP Fund IV LLC moved for summary judgment. Pursuant to the analysis made on the record, the court GRANTS BANA's motion (ECF No. 47) as to its first claim. The court finds TRP's title to the property is subject to the deed of trust recorded with the Clark County Recorder's Office as document 201004090001293. BANA's deed of trust continues to encumber the property and is superior to any right, title, interest, lien, equity, or estate of TRP, and was not extinguished by Breckenridge's foreclosure sale.

1 IT IS THEREFORE ORDERED AND ADJUDGED TRP's title to the property located at  
2 8064 Egypt Meadows Avenue, Las Vegas, Nevada 89178, APN 176-28-511-019 and more  
3 particularly described as:

4 PARCEL I:

5 Lot 58 of BRECKENRIDGE @ MOUNTAIN PASS UNIT 1, a common  
6 interest community as shown by map thereof on File in Book 125 of Plats, Page  
7 50, in the Office of the County Recorder, Clark County, Nevada.

8 RESERVING THEREFROM a non-exclusive easement of access, ingress,  
9 egress, use and enjoyment of, in, to, and over the private streets and association  
10 property as delineated on the plat map referred to above and further defined in  
11 the Declarations of Conditions and Restrictions and Reservation of Easements  
12 for BRECKENRIDGE AT MOUNTAINS EDGE, recorded November 18, 2005  
13 in Book 2005118 as Document No. 00920 and recorded January 6, 2006 in  
14 Book 20060202 as Document No. 04233, in the Office of the County Recorder  
15 of Clark County, Nevada.

16 PARCEL II:

17 A non-exclusive easement for access, ingress, and use of, in and over the  
18 Association Property as provided for in and subject to that certain Declaration  
19 of Conditions and Restrictions and Reservation of Easements for  
20 BRECKENRIDGE AT MOUNTAINS EDGE, recorded November 18, 2005 in  
21 Book 20051118 as Document No. 00920 and recorded January 6, 2006 in Book  
22 20060202 as Document No. 04233, in the Office of the County Recorder of  
23 Clark County, Nevada

24 remains encumbered by the deed of trust.

25 Because the court finds the deed of trust was not extinguished by Breckenridge's foreclosure  
26 sale, the court dismisses all remaining causes of action BANA asserts as moot.

27 The court DENIES TRP's summary judgment motion (ECF No. 49) in its entirety. The court  
28 DENIES AS MOOT Breckenridge's summary judgment motion (ECF No. 48.)

The court further ORDERS any lis pendens recorded against the property related to this  
action, as document 20160407-0000539, is expunged and released.

Dated September 18, 2019.



RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE

*Submitted by:*

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/s/ William S. Habdas

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